IN THE SENATE OF THE UNITED STATES.

MARCH 16, 1880.—Ordered to be printed.

Mr. Burnside, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 4439.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4439) to remove the disabilities of Sergeant P. P. Powell, Sixth Regiment United States Cavalry, have had the same under consideration, and beg leave to submit the following report:

Philip P. Powell enlisted in the United States Army October 27, 1875, at Louisville, Ky. He was assigned to Company D, Sixth Cavalry; was appointed corporal September 2, 1876, and promoted sergeant May 29, 1878, since which date he has served continuously in that grade. The last report in the War Department touching his record places him at Fort Apache, in Arizona, where he was acting as post sergeant-major. He was examined by a board of officers in December, 1878, and found qualified for appointment to the position of second lieutenant.

He has never been appointed because of the restriction contained in section 1218, Revised Statutes, against the appointment of persons who were in the service of the Confederate States. It seems that he entered the Confederate army as a private at the age of 16. He is a native of Virginia. Your committee are of the opinion that his enlistment in the United States service, his subsequent faithful and efficient service, and the recommendation of the board of officers of his command for promotion to the position of second lieutenant, justify them in concluding that his disabilities be removed, and they therefore recommend the passage of the bill.